

94TH CONGRESS
1ST SESSION

Calendar No. 441
H. R. 6461

IN THE SENATE OF THE UNITED STATES

NOVEMBER 11, 1975

Read twice and ordered to be placed on the calendar

AN ACT

To amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Public Broadcasting
4 Financing Act of 1975".

5 SEC. 2. Subsection 396 (k) of the Communications Act
6 of 1934 is amended by inserting, after paragraph (2), the
7 following paragraphs:

8 “(3) There is hereby established in the Treasury a fund
9 which shall be known as the ‘Public Broadcasting Fund,’
10 administered by the Secretary of the Treasury. There are

1 authorized to be appropriated to such fund for each of the
2 fiscal years during the period beginning July 1, 1975, and
3 ending September 30, 1978, an amount equal to 40 per
4 centum of the total amount of non-Federal financial support
5 received by public broadcasting entities during the fiscal year
6 second preceding each such fiscal year, for the period July 1,
7 1976, through September 30, 1976, an amount equal to 10
8 per centum of the total amount of non-Federal financial sup-
9 port received by public broadcasting entities during the fiscal
10 year ending June 30, 1975, and for each of the two fiscal
11 years ending during the period beginning October 1, 1978,
12 and ending September 30, 1980, an amount equal to $33\frac{1}{3}$
13 per centum of the total amount of non-Federal financial
14 support received by public broadcasting entities during the
15 fiscal year second preceding each such fiscal year; except
16 that the amount so appropriated shall not exceed \$88,000,-
17 000 for the fiscal year ending June 30, 1976; \$22,000,000
18 for the period July 1, 1976, through September 30, 1976;
19 \$103,000,000 for the fiscal year ending September 30,
20 1977; \$121,000,000 for the fiscal year ending Septem-
21 ber 30, 1978; \$140,000,000 for the fiscal year ending
22 September 30, 1979; and \$160,000,000 for the fiscal year
23 ending September 30, 1980.

24 “(4) The funds authorized by this subsection shall be

1 used solely for the expenses of the Corporation. The Cor-
2 poration shall determine the amount of non-Federal financial
3 support received by public broadcasting entities during each
4 of the fiscal years indicated in paragraph (3) of this sub-
5 section for the purpose of determining the amount of each
6 authorization, and shall certify such amount to the Secretary
7 of the Treasury. Upon receipt of such certification, the Sec-
8 retary of the Treasury shall disburse to the Corporation, from
9 such funds as may be appropriated to the Public Broadcast-
10 ing Fund, the amount authorized for each of the fiscal years
11 and for the period July 1, 1976, through September 30,
12 1976, pursuant to the provisions of this subsection. A signif-
13 icant portion of such funds, including those funds distributed
14 pursuant to paragraph (5) of this subsection, shall be utilized
15 for the development and dissemination of instructional pro-
16 gramming.

17 “(5) The Corporation shall reserve for distribution
18 among the licensees and permittees of noncommercial edu-
19 cational broadcast stations that are on the air an amount
20 equal to not less than 40 per centum of the funds disbursed
21 to the Corporation from the Public Broadcasting Fund dur-
22 ing the period July 1, 1975, through September 30, 1976,
23 and in each fiscal year in which the amount disbursed is
24 \$88,000,000 or more, but less than \$121,000,000; not less
25 than 45 per centum in each fiscal year in which the amount

1 disbursed is \$121,000,000 or more, but less than \$160,000,-
2 000; and not less than 50 per centum in each fiscal year in
3 which the amount disbursed is \$160,000,000.

4 “(6) The Corporation shall, after consultation with
5 licensees and permittees of noncommercial educational
6 broadcast stations that are on-the-air, establish, and review
7 annually, criteria and conditions regarding the distribution of
8 funds reserved pursuant to paragraph (5) of this subsection,
9 as set forth below:

10 “(A) The total amount of funds shall be divided
11 into two portions, one to be distributed among radio sta-
12 tions, and one to be distributed among television sta-
13 tions. The Corporation shall make a basic grant from
14 the portion reserved for television stations to each
15 licensee and permittee of a noncommercial educational
16 television station that is on-the-air. The balance of the
17 portion reserved for television stations and the total por-
18 tion reserved for radio stations shall be distributed to
19 licensees and permittees of such stations in accordance
20 with eligibility criteria that promote the public interest
21 in noncommercial educational broadcasting, and on the
22 basis of a formula designed to—

23 “(i) provide for the financial need and require-
24 ments of stations in relation to the communities and
25 audiences such stations undertake to serve;

1 “(ii) maintain existing, and stimulate new,
2 sources of non-Federal financial support for stations
3 by providing incentives for increases in such sup-
4 port; and

5 “(iii) assure that each eligible licensee and
6 permittee of a noncommercial educational radio
7 station receives a basic grant.

8 “(B) No distribution of funds pursuant to this sub-
9 section shall exceed, in any fiscal year, one-half of a
10 licensee’s or permittee’s total non-Federal financial sup-
11 port during the fiscal year second preceding the fiscal
12 year in which such distribution is made.

13 “(7) Funds distributed pursuant to this subsection may
14 be used at the discretion of stations for purposes related to
15 the provision of educational television and radio program-
16 ing, including but not limited to the following: producing,
17 acquiring, broadcasting, or otherwise disseminating educa-
18 tional television or radio programs; procuring national or
19 regional program distribution services that make educational
20 television or radio programs available for broadcast or other
21 dissemination at times chosen by stations; acquiring, replac-
22 ing, and maintaining facilities, and real property used with
23 facilities, for the production, broadcast, or other dissemina-
24 tion of educational television and radio programs; developing

1 and using nonbroadcast communications technologies for
2 educational television or radio programing purposes.”.

3 SEC. 3. Subsection 396 (b) of the Communications Act
4 of 1934 is amended by adding at the end thereof the follow-
5 ing: “The Corporation shall be subject to the provisions of
6 titles VI, VII, and IX of the Civil Rights Act of 1964, in
7 the same manner and to the same extent as Federal depart-
8 ments and agencies.”.

9 SEC. 4. Subsection 396 (g) (2) (II) of the Communica-
10 tions Act of 1934 is amended by deleting the period after
11 the word “broadcasting” and inserting the following: “and
12 the use of nonbroadcast communications technologies for the
13 dissemination of educational television or radio programs.”.

14 SEC. 5. Subsection 396 (i) of the Communications Act
15 of 1934 is amended by inserting at the end thereof the fol-
16 lowing sentence: “The officers and directors of the Cor-
17 poration shall be available to testify before appropriate
18 committees of the Congress with respect to such report, the
19 report of any audit made by the Comptroller General pur-
20 suant to subsection 396 (l) , or any other matter which any
21 such committee may determine.”.

22 SEC. 6. Section 397 of the Communications Act of 1934
23 is amended by inserting, after paragraph (9) , the following
24 paragraphs:

1 “(10) The term ‘non-Federal financial support’ means
2 the total value of cash and the fair market value of property
3 and services (except for personal services of volunteers)
4 received—

5 “(A) as gifts, grants, bequests, donations, or other
6 contributions for the construction or operation of non-
7 commercial educational broadcast stations, or for the pro-
8 duction, acquisition, distribution, or dissemination of
9 educational television or radio programs, and related
10 activities, from any source other than (i) the United
11 States or any agency or establishment thereof, or (ii)
12 any public broadcasting entity; or

13 “(B) as gifts, grants, donations, contributions, or
14 payments from any State, any agency or political sub-
15 division of a State, or any educational institution, for the
16 construction or operation of noncommercial educational
17 broadcast stations or for the production, acquisition, dis-
18 tribution or dissemination of educational television or
19 radio programs, or payments in exchange for services or
20 materials respecting the provision of educational or in-
21 structional television or radio programs.

22 “(11) The term ‘public broadcasting entity’ means the
23 Corporation, any licensee or permittee of a noncommercial

- 1 educational broadcast station, or any nonprofit institution en-
2 gaged primarily in the production, acquisition, distribution or
3 dissemination of educational television and radio programs.”.

Passed the House of Representatives November 10,
1975.

Attest:

W. PAT JENNINGS,

Clerk.

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